

107TH CONGRESS
2D SESSION

H. R. 5086

To establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems of the interior West.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2002

Mr. HAYWORTH (for himself, Mr. UDALL of Colorado, Mr. McINNIS, Mr. STUMP, Mr. SCHAFER, Mr. KOLBE, Mr. TANCREDO, and Mrs. WILSON of New Mexico) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems of the interior West.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wildfire Prevention
5 Act of 2002”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) there is an increasing threat of wildfire to
2 millions of acres of forest land and rangeland
3 throughout the United States;

4 (2) forest land and rangeland are degraded as
5 a direct consequence of land management practices
6 (including practices to control and prevent wildfires
7 and the failure to harvest subdominant trees from
8 overstocked stands) that disrupt the occurrence of
9 frequent low-intensity fires that have periodically re-
10 moved flammable undergrowth;

14 (4) an average of 95 percent of the expenditures
15 by the Forest Service for wildfire suppression
16 during fiscal years 1990 through 1994 were made to
17 suppress wildfires in the interior West;

18 (5) the number, size, and severity of wildfires in
19 the interior West are increasing;

20 (6) of the timberland in National Forests in the
21 States of Arizona and New Mexico, 59 percent of
22 such land in Arizona, and 56 percent of such land
23 in New Mexico, has an average diameter of 9 to 12
24 inches diameter at breast height;

4 (8) efforts to prioritize forests and communities
5 for wildfire risk reduction have been inconsistent
6 and insufficient and have resulted in funding to
7 areas that are not prone to severe wildfires;

8 (9) catastrophic wildfires—

9 (A) endanger homes and communities;

10 (B) damage and destroy watersheds and
11 soils; and

12 (C) pose a serious threat to the habitat of
13 threatened and endangered species;

14 (10) a 1994 assessment of forest health in the
15 interior West estimated that only a 15- to 30-year
16 window of opportunity exists for effective manage-
17 ment intervention before damage from uncontrollable
18 wildfire becomes widespread, with 8 years having al-
19 ready elapsed since the assessment;

20 (11) following a catastrophic wildfire, certain
21 forests in the interior West do not return to their
22 former grandeur:

23 (12) healthy forest and woodland ecosystems—
24 (A) reduce the risk of wildfire to forests
25 and communities;

(B) improve wildlife habitat and biodiversity;

(C) increase tree, grass, forb, and shrub productivity;

5 (D) enhance watershed values;

6 (E) improve the environment; and

7 (F) provide a basis in some areas for eco-
8 nomically and environmentally sustainable uses;

9 (13) sustaining the long-term ecological and

10 economic health of interior West forests and wood-
11 land, and their dependent human communities, re-
12 quires preventing severe wildfires before the wildfires
13 occur and permitting natural, low-intensity ground
14 fires;

15 (14) more natural fire regimes cannot be ac-
16 complished without the reduction of excess fuels and
17 thinning of subdominant trees (which fuels and
18 trees may be of commercial value);

(15) ecologically-based forest and woodland eco-
system restoration on a landscape scale will—

21 (A) improve long-term community protec-
22 tion;

23 (B) minimize the need for wildfire suppres-
24 sion;

25 (C) improve resource values;

1 (D) reduce rehabilitation costs;

2 (E) reduce loss of critical habitat; and

3 (F) protect forests for future generations;

4 (16) although the National Fire Plan, and the

5 report entitled “Protecting People and Sustaining

6 Resources in Fire-Adapted Ecosystems—A Cohesive

7 Strategy” (65 Fed. Reg. 67480), advocate a shift in

8 wildfire policy from suppression to prevention (in-
cluding restoration and hazardous fuels reduction),

9 Federal land managers are not dedicating sufficient

10 attention and financial resources to restoration ac-
tivities that simultaneously restore forest health and

11 reduce the risk of severe wildfire;

12 (17) although landscape scale restoration is

13 needed to effectively reverse degradation, scientific

14 understanding of landscape scale treatments is lim-
ited;

15 (18) the Federal wildfire research program is

16 funded at approximately 1/3 of the amount that is re-
quired to address emerging wildfire problems, result-
ing in the lack of a cohesive strategy to address the

17 threat of catastrophic wildfires; and

18 (19) rigorous, understandable, and applied sci-
19 entific information is needed for—

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9 SEC. 3. PURPOSES.

10 The purposes of this Act are—

16 (2) to develop the practical scientific knowledge
17 required to implement forest and woodland restora-
18 tion on a landscape scale;

19 (3) to develop the interdisciplinary knowledge
20 required to understand the socioeconomic and envi-
21 ronmental impacts of wildfire control on ecosystems
22 and landscapes;

23 (4) to require Federal agencies—

24 (A) to use ecological restoration treatments
25 to reverse declining forest health and reduce the

1 risk of severe wildfires across the forest land-
2 scape;

3 (B) to ensure that sufficient funds are
4 dedicated to wildfire prevention activities, in-
5 cluding restoration treatments; and

6 (C) to monitor and use wildfire treatments
7 based on the use of adaptive ecosystem manage-
8 ment;

16 (A) the National Fire Plan;

17 (B) the report entitled “Protecting People
18 and Sustaining Resources in Fire-Adapted Eco-
19 systems—A Cohesive Strategy” (65 Fed. Reg.
20 67480); and

21 (C) the report entitled “10-Year Com-
22 prehensive Strategy: A Collaborative Approach
23 for Reducing Wildland Fire Risks to Commu-
24 nities and the Environment” of the Western
25 Governors’ Association; and

6 SEC. 4. DEFINITIONS.

7 In this Act:

14 (A) based on scientific findings and the
15 needs of society; and

16 (B) used to modify future management
17 methods and policy.

20 (A) land managers:

21 (B) stakeholders:

22 (C) concerned citizens; and

23 (D) the States of the interior West, includ-
24 ing political subdivisions of the States

6 (5) LAND MANAGER.—

10 (B) INCLUSIONS.—The term “land man-
11 ager” includes a Federal, State, local, or tribal
12 land management agency.

13 (6) RESTORATION.—The term “restoration”
14 means a process undertaken to return an ecosystem
15 or habitat toward—

16 (A) the original condition of the ecosystem
17 or habitat; or

18 (B) a condition that supports a related
19 species, natural function, or ecological process
20 (including a low intensity fire).

24 (8) SECRETARIES.—The term “Secretaries”
25 means—

11 SEC. 5. ESTABLISHMENT OF INSTITUTES.

12 (a) IN GENERAL.—The Secretary, in consultation
13 with the Secretary of the Interior, shall—

20 (2) provide assistance to the Institutes to pro-
21 mote the use of adaptive ecosystem management in
22 accordance with paragraph (1).

23 (b) LOCATION—

24 (1) EXISTING INSTITUTES.—The Secretary may
25 designate an institute in existence on the date of en-

1 actment of this Act to serve as an Institute estab-
2 lished under this Act.

3 (2) STATES.—Of the Institutes established
4 under this Act, the Secretary shall establish 1 Insti-
5 tute in each of the States of Arizona, New Mexico,
6 and Colorado.

7 (c) DUTIES.—Each Institute shall—

8 (1) plan, conduct, or promote research on the
9 use of adaptive ecosystem management to reduce the
10 risk of wildfires, and improve the health of forest
11 and woodland ecosystems, in the interior West,
12 including—

13 (A) research that assists in providing in-
14 formation on the use of adaptive ecosystem
15 management practices to affected entities; and

16 (B) research that will be useful in the de-
17 velopment and implementation of practical,
18 science-based, ecological restoration treatments
19 for forest and woodland ecosystems affected by
20 wildfires; and

21 (2) provide the results of research described in
22 paragraph (1) to affected entities.

23 (d) COOPERATION.—To increase and accelerate ef-
24 forts to restore forest ecosystem health and abate unnatu-

1 ral and unwanted wildfires in the interior West, each In-
2 stitute shall cooperate with—

3 (1) researchers at colleges and universities in
4 the States that have a demonstrated capability to
5 conduct research described in subsection (c); and

6 (2) other organizations and entities in the inte-
7 rior West (such as the Western Governors' Associa-
8 tion).

9 (e) ANNUAL WORK PLANS.—As a condition of the
10 receipt of funds made available under this Act, for each
11 fiscal year, each Institute shall submit to the Secretary,
12 for review by the Secretary, in consultation with the Sec-
13 retary of the Interior, an annual work plan that includes
14 assurances, satisfactory to the Secretaries, that the pro-
15 posed work of the Institute will serve the informational
16 needs of affected entities.

17 **SEC. 6. COOPERATION BETWEEN INSTITUTES AND FED-
18 ERAL AGENCIES.**

19 In carrying out this Act, the Secretary, in consulta-
20 tion with the Secretary of the Interior—

21 (1) shall ensure that adequate financial and
22 technical assistance is provided to the Institutes to
23 enable the Institutes to carry out the purposes of the
24 Institutes under section 5, including prevention ac-

1 tivities and ecological restoration for wildfires and
2 affected ecosystems;

3 (2) shall use information and expertise provided
4 by the Institutes;

5 (3) shall encourage Federal agencies to use, on
6 a cooperative basis, information and expertise pro-
7 vided by the Institutes;

8 (4) shall encourage cooperation and coordina-
9 tion between Federal programs relating to—

10 (A) ecological restoration;

11 (B) wildfire risk reduction; and

12 (C) wildfire management technologies;

13 (5) notwithstanding chapter 63 of title 31,
14 United States Code, may—

15 (A) enter into contracts, cooperative agree-
16 ments, interagency personal agreements to
17 carry out this Act; and

18 (B) carry out other transactions under this
19 Act;

20 (6) may accept funds from other Federal agen-
21 cies to supplement or fully fund grants made, and
22 contracts entered into, by the Secretaries;

23 (7) may support a program of internships for
24 qualified individuals at the undergraduate and grad-

1 uate levels to carry out the educational and training
2 objectives of this Act;

3 (8) shall encourage professional education and
4 public information activities relating to the purposes
5 of this Act; and

6 (9) may promulgate such regulations as the
7 Secretaries determine are necessary to carry out this
8 Act.

9 **SEC. 7. MONITORING AND EVALUATION.**

10 (a) IN GENERAL.—Not later than 5 years after the
11 date of enactment of this Act, and every 5 years there-
12 after, the Secretary, in consultation with the Secretary of
13 Interior, shall complete and submit to the appropriate
14 committees of Congress a detailed evaluation of the pro-
15 grams and activities of each Institute—

16 (1) to ensure, to the maximum extent prac-
17 ticable, that the research, communication tools, and
18 information transfer activities of each Institute meet
19 the needs of affected entities; and

20 (2) to determine whether continued provision of
21 Federal assistance to each Institute is warranted.

22 (b) TERMINATION OF ASSISTANCE.—If, as a result
23 of an evaluation under subsection (a), the Secretary, in
24 consultation with the Secretary of the Interior, determines
25 that an Institute does not qualify for further Federal as-

1 sistance under this Act, the Institute shall receive no fur-
2 ther Federal assistance under this Act until such time as
3 the qualifications of the Institute are reestablished to the
4 satisfaction of the Secretaries.

5 SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

6 There is authorized to be appropriated to carry out
7 this Act \$15,000,000 for each fiscal year.

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